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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,973	05/29/2001	Yoshimasa Hosonuma	14650	7391

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EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/866,973	Applicant(s) HOSONUMA, YOSHIMASA	
	Examiner Sanh D Phu	Art Unit 2682	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

ATTACHMENT

This Attachment is responsive to the Applicant's Response filed on 2/7/05.


The applicant mainly argues that Tamura does not teach the limitation "the matching characteristic changeover circuit for changing over the characteristic of said antenna circuit so that the antenna characteristic when said portable radio terminal body is folded and the antenna characteristic when said portable radio terminal body is not folded are equal to each other", as recited in claim 1, by arguing that Tamura matching characteristic changeover circuit changes the characteristic of the antenna (20) (see figure 3) in accounting for the extension or refraction of the antenna, not for the folded or unfolded state of the radio body (see figure 2).

The examiner respectfully disagrees. Tamura does disclose the matching characteristic changeover circuit, as claimed, and it can be explained as follows. Tamura discloses a matching characteristic changeover circuit (13) (see figure 3) which changes the characteristic of the antenna (20) in accounting both for the extension or refraction of the antenna, and for the folded or unfolded state of the radio body (see col. 2, lines 40-47, col. 3, lines 40-55, and col. 4, lines 5-22). In Tamura, the matching characteristic changeover circuit changes the characteristic of the antenna, and the change is occurred only when the portable radio terminal body changes from an unfolded state to a folded state or from the unfolded state to the folded state wherein the matching characteristic changeover circuit changes over the characteristic of the antenna matching circuit (12) by selecting a connection to either capacitor (C3) (in the folded state) or capacitor (C2) (in the unfolded state) so that the antenna characteristic, when said portable radio terminal body is folded and the antenna is in a refracted state (i.e. the antenna is accommodated in the upper case (10)), or the antenna characteristic, when said portable radio terminal is not

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folded and the antenna is in an extension state (i.e. the antenna is not accommodated in the upper case (10)), is matched to the impedance of the circuit (11) (see col. 2, lines 40-47, col. 3, lines 40-55, and col. 4, lines 5-22). Furthermore, since the impedance of the circuit (11) is unchanged (see figures 3 and 4) when the said portable radio terminal body is folded or unfolded, the antenna characteristic when said portable radio terminal body is unfolded and the antenna characteristic when said portable radio terminal body is folded are inherent equal to each other in order to match to the impedance of the circuit 11.

Based on the above rationale, it is believed that the limitations of claims are still met and therefore, the rejections are still maintained.



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